

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

In light of the Examiner's requirement, formal drawings for the present application are filed herewith.

By this amendment, claims 13-18 have been canceled and claims 19-30 have been added. Thus, claims 19-30 remain pending. Support for the new claim recitations can be found at least at: Fig. 65; Fig. 161; and column 49, lines 48-53. If the Examiner requires further supporting passages, she is invited to contact the undersigned by telephone.

Claims 13, 14, 16, and 17 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 5,600,672 in view of Chung. It is submitted that this rejection is improper. The present application is a reissue application of U.S. Patent No. 5,600,672. Further, the original patent was surrendered to the PTO on July 18, 2001 in the parent application of the present application. The Serial No. of the parent application is 09/244,037. Moreover, as is the case in the present application, in the parent application claim 2 of the original patent 5,600,672 has been canceled, and original claim 2 is not present in any of the currently pending reissue applications of U.S. Patent No. 5,600,672.

Claims 15-18 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13-18 of co-pending applications nos. 09/666,012, 09/667,525, 09/668,068, 09/672,948, and 09/672,947 in view of Chung, and over claims 13-18 of co-pending application no. 09/672,946. Also, claims 15 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chung. These rejections are traversed and are inapplicable to new claims 19-30 for the following reasons.

Independent claim 19 recites a signal receiving apparatus including a controller operable to examine a condition of a data stream, and independent claim 27 recites a signal receiving method including examining a condition of a data stream. More specifically, independent claim 23 recites a signal receiving apparatus including a controller operable to detect an error rate of a data stream.

None of the co-pending applications relied on by the Examiner in the double patenting rejections, or the Chung reference, either alone or in combination, discloses or suggests a signal receiving apparatus including a controller operable to examine a condition of a data stream, as recited in claim 19 or a signal receiving method including examining a condition of a data stream, as recited in claim 27. Likewise, the cited co-pending applications and Chung reference do not, either alone or in combination, disclose or suggest a signal receiving apparatus including a controller operable to detect an error rate of a data stream, as recited in claim 23.

For the reasons set forth above, it is believed to be clear that new claims 19-30 are allowable over the cited co-pending applications and the cited Chung reference.

In view of the above amendments and remarks, it is submitted that the present application is in condition for allowance. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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